

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

Claims 1-27 are pending in this application. Claims 1, 9 and 17 has been amended. No new matter has been added.

The amendment filed February 25, 2010 has been objected to under 35 USC 132(a) as introducing new matter. The objection is respectfully traversed. Figure 8 and the corresponding disclosure, along with page 5, lines 11 – 20, disclose the subject matter recited in claim 1. In order to clarify the alleged “new matter” referred to in the objection, claim 1 has been amended to replace “an association chart” with “an association graph,” “superimpose” with “overlaps” and “real-time” with “actually communicated.” Support for these terms may be found, for example, on page 5, lines 11 – 20 of the instant application.

Claims 1-27 have been rejected under 35 USC 103(a) as unpatentable over Treka (US 6,453,345) in view of Thelander (US 2003/0009705). The rejection is respectfully traversed. (Applicant notes that the Office, on page 7, appears to have mistakenly referenced Cartsonis-Ludwig with respect to claims 25-27, although citing Thelander: Figure 13 appropriately).

The present invention relates to a network monitoring system that monitors communication between a client and server and displays the type of operating system employed by the client, the type of operating system employed by the server, an account name of a user accessing the client, and an icon representing the account name. In an exemplary, but non-limiting, embodiment of the claimed subject matter illustrated by Applicants' Fig. 7, the operating system of a client (e.g., 2000 PRO), the operating system of a server (e.g., 2000 SVR), an account name of a user accessing the client (e.g., Kawasaki), and an icon representing the

account name are displayed with information of an operational action involving the client and server (see specification page 20, line 7, through page 21, line 10). Thus, the invention provides a highly intuitive identification of a client and server and the operation in which they are engaged and an icon representing a particular user's interaction with the client and server. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to any particular aspect of the referenced embodiments.)

The Office cites Trcka as disclosing the instant claimed invention, except for disclosure of the additional objects including various types as recited in the claims (e.g. claims 1, 9 and 17). However, Thelander is cited as disclosing this feature. Applicant respectfully disagrees.

The instant claimed invention requires that a display unit displays an association graph indicating the terminals within the network and which overlap additional objects on the graph, such that the additional objects being overlapped on the graph are in a chronological order along with a sequence of when the action contents are actually communicated (see, for example, claims 1, 9 and 17). The Office cites Figures 15 and 19, and col. 22, lines 60-67 as disclosing this feature. Applicant respectfully disagrees. Rather, figures 15 and 19 of Trcka simply disclose an activity log (not a graph) that indicates the time, date, type/channel, address, destination address and user ID. However, Trcka fails to disclose an indication of terminals within the network and an overlap of additional objects on the graph. In the instant claimed invention, on the other hand, as detailed in the instant specification, on page 21 and Figure 8, clients and servers are displayed outside of the illustrated circle. The content of an action is displayed in a format associated with a corresponding line. Here, a first character of notation of the content of the action overlaps the

line and is displayed on a graph. This disclosure in the specification is represented by the aforementioned instant claimed feature.

Additionally, Thelander fails to disclose that the additional objects include the type of system employed by the client and the type of system employed by the server, as required by the instant claimed invention (see, for example, claims 1, 9 and 17). Figure 13 of Thelander only shows the operating system (OS) of the platform of each computer. There is no mention of the operating system of the server unit. See, for example, paragraph [0072]. As illustrated in Figure 3, clearly server 205 is distinct from the client computers 205.

The Office also states that it would have been obvious to modify “Trcka’s teachings to the teachings of Thelander for the purpose of efficient analysis of network actions according to specific parameters (i.e. platforms, operating system versions) and to easily perform root cause analysis of problem transactions associated with users and the corresponding accounts.” However, the Office fails to provide any evidence on the record in support of this conclusory statement. The Office has clearly not met its *prima facie* case of obviousness in this regard. The Office is therefore respectfully requested to provide some evidence in support of this conclusory statement of obviousness, or withdraw the rejection.

Accordingly, the Applicants submit that the teachings of Trcka and Thelander, even if combined as proposed in the Office Action, still would lack the above-noted features of claims 1, 9 and 17 and thus these references, considered individually or in combination, do not render obvious the subject matter now defined by claims 1, 9 and 17. As such, claims 1, 9 and 17 are allowable. All other claims depend directly or indirectly from one of claims 1, 9 and 17, and are allowable for at least the same reasons.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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